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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Annual report of the International Labour Organisation

1. In 1992, the ILO continued to monitor and to disseminate information on developments in the social and labour fields in South Africa and to provide technical cooperation assistance to national liberation movements (NLMs), and non-racial employers' and workers' organizations in South Africa, in terms of the Declaration concerning Action against Apartheid. The Group of Independent Experts to monitor sanctions and other action against apartheid examined the measures taken by ILO constituents to implement the Declaration and the Programme of Action. In addition, the Fact-Finding and Conciliation Commission on Freedom of Association (FFCC) considered a complaint concerning the labour laws in South Africa, and a special tripartite conference on southern Africa was convened by the Governing Body of the ILO.

2. In February 1992 the FFCC visited South Africa. The FFCC had been appointed by the ILO Governing Body to examine a complaint of infringements of trade union rights in the Republic of South Africa presented to the ILO by the Congress of South African Trade Unions (COSATU) in May 1988. The issues raised in the complaint had already been satisfactorily dealt with in legislation adopted in 1991, but the parties agreed that the terms of reference of the FFCC should be extended to enable it to deliberate on the situation in South Africa in so far as it related to labour matters in general and freedom of association in particular. The Commission heard submissions by the Department of Manpower; affiliates of COSATU; employers' organizations, including one representing farmers; the National Manpower Commission; the Public Service Association; the South African Police; and the Chairperson of the Convention for a Democratic South Africa (CODESA). The Commission's

conclusions dealt with, inter alia, the need to extend the rights and protections provided under the Labour Relations Act (LRA) to farm workers, domestic workers and public servants, all of whom were not adequately protected; defects in the LRA itself, notably regarding the right to strike; the special problems posed for labour relations by the "homelands".

3. The report of the FFCC was noted by the Governing Body at its two hundred and fifty-third (May-June 1992) session, and was transmitted to the Economic and Social Council of the United Nations, which considered it at its Substantive Session of 1992. The Council noted "... with satisfaction the findings, conclusions and recommendations contained therein ..." and requested the Secretary-General to invite the Government of South Africa to report, no later than 31 December 1992, on the measures which it has taken to give effect to the recommendations contained in the said report, and thereafter at yearly intervals until the Economic and Social Council is satisfied that the said recommendations have been implemented; and further requested the Secretary-General to refer the Government's reports on this matter to the International Labour Office with the request that the latter transmit to the Council its advice and comments stemming from examination of the said reports; and invited the ILO to provide technical cooperation assistance to the Government of South Africa, and to organizations of workers and employers, in the recasting of that country's labour relations system.

4. The 8th and 9th meetings of the Group of Independent Experts (GIE) to follow up on and monitor the implementation of sanctions and other action against apartheid were held in March and April 1992. The 8th meeting considered the replies to the revised questionnaire on action against apartheid taken by ILO constituents. Amongst its conclusions, the GIE noted that an increasing number of Governments had eased their restrictive policies towards South Africa in response to the progress made in dismantling apartheid. Workers' organizations, however, had continued to exert pressure on companies and their own Governments to implement or maintain restrictive measures against South Africa. The 9th meeting of the GIE took note of the progress made in publishing the studies on the coal embargo and on the effect of sanctions on employment, and held consultations with various non-governmental and intergovernmental bodies in order to assist in securing a high degree of coordination in the efforts of the international community to eradicate apartheid.

5. The reports of the 8th and 9th meetings of the GIE were considered by the Committee on Discrimination of the Governing Body which decided to recommend to the Governing Body that the term of office of the GIE be extended by one year, with a renewed mandate focusing on the monitoring of the implementation of the Declaration concerning Action against Apartheid in South Africa.

6. As recommended by the Committee on Action against Apartheid of the International Labour Conference, the Governing Body of the ILO decided to convene a tripartite conference on southern Africa, and to accept the offer of the Government of Zimbabwe to hold the meeting in Harare from 5 to 8 May 1992. The Conference considered the social, economic and labour aspects of subregional integration in post-apartheid southern Africa, and recent developments regarding apartheid in South Africa. In its conclusions, the Conference recommended that the ILO programme of action in southern Africa

should cover the issues of job creation, promotion of small business and cooperatives, vocational training, improvement of labour laws and labour standards, occupational health and safety, and labour migration. The ILO was urged to assist the countries in the region in setting up mechanisms for social and economic dialogue and constructive industrial relations. In South Africa, the ILO was requested to support the democratic trade unions' struggle to extend basic trade union rights to farm, domestic, and public sector workers, and those in the bantustans. The Conference recommended that the seventy-ninth session of the International Labour Conference take a decision that the ILO should prepare projects for technical assistance to South African employers' and workers' organizations, which projects could be implemented in South Africa after the creation of an interim government.

7. At its seventy-ninth session the International Labour Conference endorsed the conclusions of the Harare Conference and noted the 1992 Special Report of the Director-General on Action against Apartheid. Chapter I of the Report reviewed recent developments in labour and social matters in South Africa. Chapter II summarized the information supplied by the ILO tripartite constituents concerning their action against apartheid. Chapter III provided the information on international action against apartheid. In addition to the Special Report, supplementary information was also provided in a separate document.

8. In order to give expression to the conclusions of the Harare and the International Labour Conferences, a number of proposals for workshops were drawn up, which, after appropriate consultation with workers' and employers' organizations, are scheduled to commence in 1993. The matters to be considered at the proposed workshops include labour relations in the public sector, in agriculture, and with respect to domestic workers; affirmative action; and the improvement of occupational health and safety in the mining industry. Conclusions of both Conferences dealt with the vital issue of education and training, and numerous requests for policy advice and technical inputs on this topic had already been received by the Office. In response to these, preparations are under way to conduct a study which could form the basis of a seminar on future vocational training policy.

9. With specific reference to conclusion 22 of the Harare Conference, which recommends the creation in South Africa of a tripartite economic and social body, the Office organized a trade union study tour to the ILO in Geneva from 14-19 June 1992, to examine economic policy questions. The week-long programme was arranged at the request of the Congress of South African Trade Unions (COSATU) and was undertaken by members of the negotiating team representing COSATU in the recently established tripartite Economic Forum. The participants discussed strategies for growth with equity; structural adjustment programmes; employment creation; inter-firm cooperation; incomes policies; export processing zones; and human resource development programmes.

10. Other activities that relate to the implementation of the updated Declaration concerning Action against Apartheid were, inter alia, research and visits to the ILO by representatives of the National Liberation Movements, trade unions, and a non-racial employers' organization. These included two representatives of the cooperative movement in the Western Cape Province;

an economist advising the ANC on trade and development policy; a trade unionist examining the potential for restructuring the chemical industry in South Africa; the General-Secretaries of both COSATU and the National Council of Trade Unions (NACTU); and members of the working group to establish a new non-racial employers federation in South Africa.

11. A workers education seminar on Trade Union Participation in the Development of Socio-Economic Policies in Post-Apartheid southern Africa was timed to coincide with the subregional conference held in Harare in May 1992. The seminar was attended by 15 participants from trade union organizations in Botswana, Lesotho, Mozambique, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe, and three representatives of international and regional trade union organizations. Given the progress made by the South African trade unions in establishing bi- and tripartite negotiating forums on a wide range of socio-economic issues, two presentations were made by South African trade-unionist, in adddition to presentations by ILO officials. Recommendations made by the seminar included suggestions for harmonization of laws regarding labour relations and investment throughout the subregion; for the promotion of workers' education and training; for the establishment of a subregional vocational training centre; for the formulation of an investment code in line with internationally accepted guidelines; and for tripartite consultation on programmes to create employment and on methods of dealing with unemployment.

12. In August 1992 a questionnaire requesting up-to-date information on action taken against apartheid for inclusion in the Special Report of the Director-General for 1993 was sent to Governments and to employers' and workers' organizations. The questionnaire was accompanied by an extract of the report of the Committee on Action against Apartheid in June 1992 reflecting the conclusions and recommendations adopted by that Committee and a copy of the updated Declaration concerning Action against Apartheid in South Africa. Requests for information on international action against apartheid were also addressed to the United Nations, its specialized agencies and other intergovernmental organizations. The information supplied by the constituents will be considered by the Group of Independent Experts before submission to the Governing Body and subsequently to the Committee on Action against Apartheid of the International Labour Conference in June 1993. As usual, the Special Report of the Director-General will also deal with recent developments in labour and social matters in South Africa, and with international action against apartheid.

13. During the past year, the ILO continued to disseminate information on the labour and social situation under apartheid. It also continued to collaborate closely with other organizations within the United Nations system and with other intergovernmental, non-governmental, regional and subregional organizations within the framework of concerted efforts to eliminate apartheid.

14. The Discrimination (Employment and Occupation) Convention, 1958, (No. 111) has now received a total of 112 ratifications. The Employment Policy Convention, 1964 (No. 122) has now received 77 ratifications. With regard to migrant workers, the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) has received 39 ratifications. The Social Policy

(Basic Aims and Standards) Convention, 1962 (No. 117) has 31 ratifications. The application of these Conventions gave rise to observations and comments by the Committee of Experts on the Application of Conventions and Recommendations at its March 1992 session.

15. As regards indigenous and tribal peoples, the ILO has adopted the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), with the participation of the United Nations and other specialized agencies, which also play a role in the supervision of these instruments. Conventions Nos. 107 and 169 have received 27 and 4 ratifications respectively. The Committee of Experts on the Application of Conventions and Recommendations has been able in the last few years to note that significant efforts are being made in a number of countries, particularly in Latin America, to review the way in which indigenous affairs are handled, and to accord to these peoples a greater degree of involvement in the decision-making process as it concerns them. New legislation - sometimes drafted with the technical assistance of the ILO and in one case of the Centre for Human Rights - has been adopted or is under consideration in several of these countries. A number of others, both in Latin America and elsewhere, are examining the possibility of ratifying Convention No. 169, and are carrying out a re-examination of their situation, sometimes with help from the ILO.

16. The ILO also carries out an expanding programme of technical cooperation and assistance for indigenous and tribal peoples. It does so, whenever possible, in cooperation with other international organizations. This work consists of assisting indigenous and tribal peoples to attain the capacity to manage their own affairs and to find employment-generating activities, while maintaining respect for their traditional cultures and ways of life. A second kind of assistance is provided to Governments, as well as to those directly affected, in drafting and implementing national law and administrative arrangements for indigenous affairs.

17. Finally, the ILO is closely involved in the arrangements for the International Year for the World's Indigenous People. The General Assembly has requested the ILO to participate in the coordination of activities for the International Year, with the Under-Secretary-General for Human Rights. For this purpose it is carrying out a number of specific activities as well as maintaining and reinforcing the activities it is already carrying out in this area.

18. Under the ILO educational and promotional programme for the elimination of discrimination and the promotion of equal opportunity in employment, a subregional tripartite seminar on promotion of equality of opportunity in employment for selected African countries was organized in Abidjan (Côte d'Ivoire) in October 1992. Similar seminars and national tripartite seminars will be organized in future.

19. The ILO has continued its research and publications programme, which has covered the elimination of discrimination in employment based on grounds such as race, ethnic origin, sex, religious beliefs or political opinions,

as well as discrimination against migrant workers. In particular, notes and studies on new developments in various countries have appeared regularly in ILO publications such as the International Labour Review and the Social and Labour Bulletin.

20. The arrangements whereby the ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function, as in the past, in relation to discrimination in employment and occupation, indigenous and tribal populations, migrant workers and basic aims and standards of social policy, particularly through ILO collaboration with the United Nations Commission on Human Rights, the Sub-Committee on the Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination, the Commission on the Status of Women, the Committee on the Elimination of Discrimination Against Women, as well as with the Centre for Social Development and Humanitarian Affairs, the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women and the United Nations Development Programme.